

### REMARKS

The Office Action mailed September 19, 2008, has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the Application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

### CLAIM STATUS

Claims 1-18 stand rejected under 35 USC § 112, second paragraph, as being indefinite. This rejection is respectfully overcome.

The Office states as follows:

Claim 1 recites a "substance or mixture of substances in the form of a micropowder" at lines 1-2. The claim then recites components A and B.

It is unclear whether components A and B constitute the "mixture of substances" referred to earlier. If so, then the claim is indefinite since it requires a mixture of substances and precludes "a substance" and component B does not qualify as a "micropowder" since it is allowed to have particle sizes up to 5 mm.

Claim 1 has been amended to recite as follows:

A method of uniformly distributing a substance or mixture of substances in the form of a micropowder in a carrier or substrate or in a mixture of different carriers or substrates, wherein the substance or mixture of substances in the form of a micropowder is component A, wherein component A has a particle size  $< 50 \mu\text{m}$ , wherein the carrier or substrate or the mixture of different carriers or substrates is component B, wherein component B has a particle size  $< 5 \text{ mm}$  and wherein component A has a particle size distribution  $D_{90} < 50 \mu\text{m}$  and  $D_{50} < 20 \mu\text{m}$ , comprising the steps of uniformly applying component A to the surface of component B and subjecting the mixture of components

A and B to a shape conversion operation wherein component A is dissolved in component B with at least one of pressure and temperature, and wherein the viscosity during the method is at least 50 mPas\*s.

In view of this amendment, it is Applicants' respectful position that claim 1 now clearly articulates the substances or mixture of substances of the micropowder constitutes component A, whereas the carrier or substrate or mixture of different carriers or substrates constitutes component B. With this amendment, it is respectfully contended that the claim is now in conformance with 35 USC § 112, second paragraph.

Claim Rejections Under 35 USC § 102(b)

Claims 15-18 stand rejected under 35 USC § 102(b) as being anticipated by WO '325 and EP '092. This rejection is respectfully traversed.

In substantiating its rejection, the Office states as follows:

Each of these references are directed to uniformly microparticulate substances into a polymeric matrix. While the method steps may not be identical, it is the position of the examiner that applicants' product is not patentably distinct from the products of the reference since uniform distribution is achieved in all cases.

While Applicants, respectfully, do not acquiesce to the Office's position regarding the statement that 'uniform distribution is achieved in all cases,' Applicants believe that the proffered justification for the § 102(b) rejection is wanting. Specifically, as claims 15-18 depend either directly or indirectly to independent method claim 1, Applicants courteously request the Office examine the following limitation present in claim 1:

wherein component A is dissolved in component B with at least one of pressure and temperature. . . (underlining added)

Neither WO '325 nor EP '092 disclose, teach, suggest or intimate that the micropowders are dissolved in the respective polymers. In the instant invention, claim 1 specifically delineates that component A, namely the micropowder, or mixture thereof, is dissolved in component B, namely the substrate or the carrier. Neither reference provides any indication, suggestion or intimation that the micropowder is dissolved in the carrier or substrate (polymer).

It is courteously believed that this distinction constitutes a limitation of the claim not met by either WO '325 or EP '092. Consequently, as it is beyond contention that a § 102(b) rejection requires the reference to teach each and every limitation of a claimed invention; as WO '325 and EP '092 failed to teach, disclose, suggest or intimate this claimed limitation, it is respectfully contended that claims 15-18 can not be anticipated thereby.

In view of the foregoing, it is respectfully contended that the 35 USC § 102(b) rejection of claims 15-18 as being anticipated by WO '325 or EP '092 has been traversed. In consequence, Applicants courteously solicit reconsideration and withdrawal of the rejection.

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In view of the forgoing amendments and remarks, the present application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, he is requested to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,



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